

REMARKS

Favorable reconsideration of this application in light of the following remarks is requested.

No claims being canceled, added or amended by this response, the Applicant submits that claims 1-19 remain pending in the present application. The Applicant notes, however, that certain claims will be withdrawn from consideration in light of the Applicant's previous responses to the Restriction Requirement.

As noted during a series of discussions between the Examiner and the Applicant's representative, the Applicant maintains that the Supplemental Response To Restriction Requirement filed August 22, 2006, was in full compliance with the requirements of 37 C.F.R. § 1.121(c). In particular, the Applicant notes that Rule 121 does not, on its face, distinguish between amended claims and new claims with regard to the use of the status identifier "Not Entered" and specifically forbids including the claim text in such instances. To the extent that clarification is provided elsewhere in the MPEP with regard to the separate treatment of amended claims and new claims in filings made subsequent to an indication that previous claim amendments have not been entered, the Applicant remains open to considering and following such guidance.

In light of the discussions, however, it is the Applicant's understanding that the Examiner, after consultation with others in the Art Group, will accept the Applicant's previous election response, will enter the claim amendments by which claim 1 is rewritten as a generic claim and will consider the appropriateness of further restriction/election requirements. In the event that the previously submitted election is deemed sufficient, it is the Applicant's

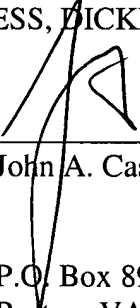
understanding that the Examiner will then undertake substantive examination of the elected claims.

In light of this resolution of the issues that prompted the Notice, it is also the Applicant's understanding that the Notice will be withdrawn and that documentation to that effect will be included in the next paper received from the USPTO.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, and particularly for extension of time fees.

Respectfully submitted,

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